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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,572	09/25/2003	Tetsuya Sawano	06-49-0416P	5629
2292 7590 05/30/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
05/30/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/669,572

**Applicant(s)**

SAWANO, TETSUYA

**Examiner**

ALAN LUONG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 04/04/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

Art unit is changed into 2623

***Response to Amendment***

This Office Action is responsive to the Amendment filed on Feb. 19, 2008.

Claim 1 has been amended, claims 3,4 have been cancelled and claims 5, 6 have been newly added. It is submitted that no new matter has been added. Therefore, claims 1-2, 5-6 are pending in this application.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,178,159 B1 issued to Atsushi Ando et al. (hereinafter Ando); in view of US Patent 6,300,959 B1 issued to Jeffrey R. Gabler et al. (hereinafter Gabler) and further in view of US Patent 6,499,057 B1 issued to Micheal J. Portuesi (hereinafter Portuesi)

**Regarding to claim 1:** FIG. 1 of Ando represents "an image sending apparatus" [101], FIG. 3 of Ando represents "an animation image set up\_unit" [104] which "creates

purpose an animation image file" using coding technique for high quality still image data (**Ando, Fig. 3, col.10 lines 30-39**) and FIG. 1 of Ando represents "a sending\_device" [101] receives a still image data from [110] in [109] through communication path [112] between network interfaces [116a] and [116b] the still image data are reproduced in desired format by [102] under [105]; these still image data are converted into displayable format at [103] and are coded at [104] before" sends the animation image file" to Terminal [106] (**Ando, Fig. 1, col.6 line15-col. 7 line 51**).

However, Ando fails to disclose an extraction unit which extracts N pieces of static image from the specified movie file based on a reproduction range which specifies the reproduction range of the specified movie file; and an animation image file of either animation GIF format or MNG format based on the extracted N pieces of static image;

In an analogous art directed toward a similar problem namely improving the results from an extraction unit which extracts N pieces of static image from the specified movie file based on the reproduction range and a format of an animation image file. Fig. 2 of Gabler illustrates "an animation image file of animation GIF format"[GIF89a] (**Gabler, Fig. 2, col. 5 lines 1-12**). Moreover, Fig. 3 of Gabler also represents "an extraction unit [300] which extracts N pieces of static image from the specified movie file" when the extraction unit determines that the GIF data stream that has been received is an animated GIF data stream. (**Gabler, Fig. 3, col. 5 lines 13-18 and 35-61**). Further, Fig. 5 of Gabler shows "based on a reproduction range of the specified movie file", a GIF data stream 500 that has been reduced. The GIF data stream 500 represents a reduced version of the GIF data stream 200 illustrated in FIG. 2 by

[300].(Gabler, Fig. 5, col. 7 line 31-col. 8 line 40). Finally, after reducing size of the specified movie file; [500] is stored in [610] before transmits to browser [604] by "a reproduction range specifying unit" [602] based on user request. (Gabler, Fig. 6, col. 8 line 41- col. 9 line 43). Accordingly, it would have been obvious to a person having an ordinary skill in the art at the time of the invention was made to modify the image sending apparatus of Ando with an animation GIF format and reducing size of the animation GIF stream as taught by Gabler, not only to reduces image storage space but also accelerates the delivery of these animated images to end users.

However, Neither Ando nor Gabler discloses "a specifying movie\_unit which causes a desired movie file to be specified"

In an analogous art directed toward a similar problem namely improving the results from a desired movie file to be specified; Fig. 1 of Portuesi illustrates "a device [4] which" includes movie playback application [10] coupled to data storage device 6 and operable to read movie file [8], interpret movie file [8] including the embedded URLs "causes a desired movie file to be specified as movie file format "[8] as shown in Fig. 2; (Fig. 2, also see col.4 line 62 to col. 6 line 5).

Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the invention was made to modify the image sending apparatus with animation GIF format of Ando and Gabler with the specified movie file as taught by Portuesi; in order to reproduce the content of received image and be able to playback on another portable device.

**Regarding to claim 2:** Ando also discloses the image sending apparatus as

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defined in claim 1, further comprising a communication device (said the W-CDMA in mobile phone system (see **col.1 lines 57**), communication path 2803 between 2801 and 2802 in Fig.28) capable of two-way communication (**115a, 115b, 112 of Fig. 1** as receiving communication from service provider side) with a portable terminal (**116a, 116b and 111** as transmitting communication at mobile terminal **106 of Fig. 1**).

**Regarding to claim 5:** A sending method has the same limitation of claim 1. So, claim 5 is rejected by Ando, Gabler and Portuesi references. (see discussion in Claim 1)

**Regarding to claim 6:** The image sending apparatus of in claim 5, Ando also discloses in claims 13 and 14 (**col. 36 line 49 to col.37 line 8**) to comprise a communication device capable of two-way communication with a portable terminal.

### ***Response to Arguments***

Applicant's arguments filed Feb. 19, 2008; with respect to claims 1-2, 5-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/A. L./

Examiner, Art Unit 2623

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623